

# **EXHIBIT 2**

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

MARK A. HANSEN,

Plaintiff

**VS.**

AON RISK SERVICES OF TEXAS, INC.,

Defendant.



CIVIL ACTION NO. H-05-3437

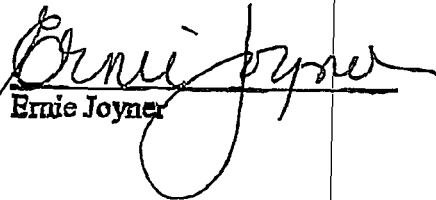
DECLARATION OF ERNIE JOYNER

1. My name is Ernie Joyner. I am of sound mind and capable of making this Declaration. I am over the age of eighteen. This declaration is based on my own personal knowledge of the facts stated herein:
2. I am the Human Resources Director of Aon Risk Services of Texas, Inc. (Aon). In my position, I have access to and am familiar with the personnel files and other human resources information of current and former employees, including Mark Hansen. I also have knowledge relating to Aon's employment practices and policies.
3. Aon initially hired Hansen as a Director, Claims (which later became known as Director, Technical Operations) on May 3, 2001.
4. Aon maintains an equal employment opportunity policy and prohibits unlawful discrimination. Attachment 1 is a true and correct copy of Aon's Equal Employment Opportunity Policy that was in effect while Hansen was employed by Aon. The company has no record that Hansen made any internal complaints regarding discrimination or harassment while he was employed with Aon.
5. As Director, Placement Services Unit (PSU), Hansen's salary was \$123,800. When he was demoted to the position of Assistant Director, Client Services Unit (CSU) in June 2002, his salary remained the same.
6. Attachment 2 is an accurate copy of the job description for Director, PSU. Attachment 3 is an accurate copy of the job description for Assistant Director, CSU.
7. After discussing with Victoria McDonough, I concurred with her decision to terminate Hansen. On November 4, 2003, I was present at the termination meeting of Hansen. Attachment 4 is an accurate copy of my notes taken during that meeting.

8. After his termination, Hansen was given an opportunity to temporarily work on another project while he searched for employment. His salary remained at \$123,800 during this time. Mr. Hansen's last day of work was December 2, 2003.
9. At all times during his employment with Aon, Hansen was an at-will employee.
10. To my knowledge, Hansen's gender was not a factor in any decision related to his employment, including but not limited to his compensation, May/June 2003 demotion, the terms and conditions of his employment, and his termination of employment. I did not consider Hansen's gender in any recommendation that I made related to his employment. We did not discuss Hansen's gender in any meeting that I attended in which the participants in the meeting addressed Hansen's demotion, termination, or performance. I never discussed Hansen's gender with McDonough or Donna Parsley.
11. Dan Yelich currently is employed as Director, Client Services Unit/Aon Natural Resources.
12. Attachments 1 to 4 are accurate copies of documents kept in Aon's regular course of business. It is the regular course of business for Aon to make and maintain such documents. As Human Resources Director, I am qualified and authorized to be involved in making and maintaining these documents. These documents were made at or near the time the stated acts, events, or conditions occurred.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 14, 2006.

  
Ernie Joyner

# **ATTACHMENT 1 TO EXHIBIT 2**

## EQUAL EMPLOYMENT OPPORTUNITY

We recognize that to excel as a business, we must continue to hire the best talent and secure the full participation and commitment of all employees. In keeping with this conviction, it is our policy and intent to hire and provide all staff with the opportunity to grow, develop and contribute fully to our collective success without regard to race, color, religion, creed, sex, sexual orientation, national origin, age, disability, veteran, marital, or domestic partner status, citizenship or any other status or characteristic covered by federal, state or local law.

The Company is committed to the maximum utilization of its employees' abilities and to the principles of equal employment opportunity. The opportunities afforded throughout the Company are available equally to all. Applicants and employees are evaluated on the basis of job qualifications - not race, color, religion, creed, sex, sexual orientation, national origin, age, disability, veteran, marital, or domestic partner status, citizenship or any other status or characteristic covered by federal, state or local law. Further, the Company provides reasonable accommodations to qualified individuals with disabilities unless doing so would result in an undue hardship.

Equal employment opportunity takes place in all employment practices: hiring, promotion, demotion, transfer, recruitment, termination, rates of pay or other forms of compensation, and selection for training. Every employee has access to Company-sponsored educational, training and recreational activities.

The Company endeavors to provide every employee with a working environment free from harassment. Individually and collectively, we share the responsibility for understanding the great importance of such simple, taken-for-granted things as a respectful work environment, and for assuring that every employee is welcomed, accepted and rewarded according to his or her contribution to the attainment of our goals and objectives.

In addition, unlawful harassment, intimidation, threats, coercion, discrimination, or retaliation in any other form against anyone is strictly prohibited for (1) making a good faith internal complaint of any conduct, act or practice violating the Company's EEO Policy; (2) filing a complaint allowed by any equal employment opportunity law or regulation ("EEO laws"); (3) participating in an investigation or any other activity undertaken by the Company or any governmental agency related to compliance with our EEO policy or any EEO law; (4) opposing in good faith any act or practice that violates any EEO law; or (5) exercising any right under any EEO law.

We know that positive, results-oriented action to advance equal employment opportunity serves the best interests of the Company, its employees and the communities in which it operates. Towards this end, the Director of Corporate Human Resources serves as Aon's Equal Employment Opportunity Compliance Officer with overall responsibility for monitoring program effectiveness and assuring compliance with this policy. Managers at all levels are responsible for assuring full compliance with this policy in their respective areas. Each employee is responsible for supporting equal opportunity, assisting the Company in meeting its objectives in this area, and assuring that their own conduct conforms to the Company's commitment to Equal Employment Opportunity.

If an employee has any questions about the Company's policy on Equal Employment Opportunity, the Company encourages the employee to talk to his or her Supervisor, Department Head, local Human Resources Representative, the Corporate Human Resources Department at (312) 381-3200 or the Law Division at (312) 381-5126. Any conduct or action inconsistent with the Company's commitment to Equal Employment Opportunity should be reported by following the Company's Problem Solving Procedure. Any supervisor or manager who receives such a complaint (whether formal or informal) must report the complaint to a local Human Resources Representative or the Corporate Human Resources Department.

### **Policy Against Harassment**

Aon Corporation is committed to creating and sustaining a work environment in which each employee has the opportunity to grow, develop and contribute fully to our collective success. Accordingly, we will not tolerate sexual harassment or harassment or intimidation of any employees based on race, color, national origin, religion, creed, sex, sexual orientation, age, disability, citizenship, veteran, marital, or domestic partner status or any other status or characteristic protected by federal, state or local law. Our "no tolerance" policy extends to prohibited harassment of an Aon employee by a manager, supervisor or co-worker. Further, we will not tolerate harassment by or towards a customer, client, vendor, or other business partner. Any employee found to have engaged in conduct inconsistent with this policy will be subject to discipline, up to and including discharge.

#### *Sexual Harassment*

Sexual Harassment can take a variety of forms, ranging from subtle pressure to engage in sexual activity to verbal abuse to physical assault. Sexual harassment may involve a male harassing a female, a female harassing a male or a situation in which the harasser and victim are of the same sex.

Sexual harassment by a supervisor or manager may involve an explicit or implicit threat that submitting to sexual advances, requests for sexual favors or other verbal or physical conduct of a sexual nature is an expected part of the job or required to keep or obtain a job, promotion, or other employment benefit. It may also include a tangible adverse job action, such as a significant change in employment status or benefits.

More generally, sexual harassment occurs whenever unsolicited and unwanted conduct of a sexual nature creates a hostile or offensive work environment, unreasonably interferes with the person's work performance or otherwise adversely affects the person's employment opportunities. The following are examples of behaviors that may be considered sexual harassment. None of these behaviors will be tolerated at Aon:

- *Unwanted physical contact or touching of a sexual nature, including "accidental" brushing against someone*
- *Unwanted flirtations, persistent requests for dates, sexual advances, requests for sexual favors or propositions*

- *Sexual gestures or verbal abuse, including offensive jokes, sexual innuendoes or degrading language*
- *Repeated unwanted compliments about appearance or dress*
- *Sexually suggestive photographs, drawings, graffiti and computer-related visual materials, including screen savers and Internet graphics*
- *Sexually offensive letters, voice mail messages, calls, memoranda or e-mails*
- *Describing sexual exploits, questioning others about their sexual life or activities*

#### *Other Types of Harassment*

Harassment other than sexual harassment generally involves a demonstration of hostility or aversion towards an individual because of his or her race, color, national origin, religion, creed, sex, sexual orientation, age, disability, citizenship, veteran, marital, or domestic partner status, or other status or characteristic protected by law that (1) creates a hostile or offensive work environment; (2) unreasonably interferes with the person's work performance; or (3) otherwise adversely affects the person's employment opportunities. As mentioned previously, when harassment involves a manager or supervisor it may also include a tangible adverse job action, such as a significant change in employment status or benefits.

The following are examples of behaviors that may be considered harassment. None of these behaviors will be tolerated at Aon:

- Epithets, disparaging remarks, slurs, demeaning stereotyping or "jokes" of that nature  
Whether spoken, accessed on the Internet, written on walls, used in memos or e-mails, left on voicemail messages, etc.  
Whether expressed as words or in the form of photographs, drawings, graffiti or computer-related visual materials
- Hostile or intimidating acts or threats, such as stalking, blocking someone's path or hostile gestures
- Mocking, teasing or taunting (e.g., someone's accent, stutter, or religious beliefs)
- Persistently excluding someone from normal work-related activities, informal communication channels, daily assistance and support, or team assignments
- Pranks (e.g., hiding someone's crutches)
- Deliberate degradation of someone's possessions (e.g., wiping feet on a prayer rug)

### *Creating a Harassment Free Environment*

Aon expects employees to interact with each other and anyone conducting business with Aon in a professional and respectful manner whether on or off work premises. Regardless of specific legal definitions of sexual harassment and harassment, if your conduct could reasonably be offensive to another, then that conduct is not appropriate to a work relationship. When discussing matters personally important to you, such as religious beliefs, you are expected to be sensitive of others.

### *Reporting Harassment*

If you believe you or another individual is being harassed, you do not have to -- and should not -- tolerate the situation. We encourage each employee to assert his or her right to a work environment free of harassment. If, for example, someone does or says something of an offensive nature, we encourage you to let that person know -- directly and clearly.

If you have knowledge of any incident of harassment or potential harassment, report it immediately in accordance with the options in the Problem Solving Procedure. Remember, it is best not to let the situation escalate before reporting it. Managers and supervisors are required to report all harassment complaints they receive to their local Human Resources Representative or the Corporate Human Resources Department, including formal and informal complaints, as well as complaints made by employees other than the target of the conduct.

### *Commitment to Corrective and Preventive Action*

Any employee who has been determined to have engaged in conduct inconsistent with this policy will be subject to appropriate discipline, up to and including discharge. The Company will also take other remedial action, as appropriate, to remedy the effects of any harassment and prevent its recurrence.

Although Aon is fully committed to taking prompt, appropriate remedial action in those instances when prohibited harassment occurs, the Company's principal goal is to prevent harassment problems. It is incumbent on each employee to develop a better understanding of harassment as a workplace issue and to eliminate any form of harassment from Aon Corporation.

### *Problem Solving Procedure*

A goal of the Company's management is to treat employees fairly and equally. We encourage employees to make management aware of their concerns. Disagreements and complaints are often most expeditiously and satisfactorily resolved as near the point of origin as possible. Under no circumstances will an employee be penalized for presenting a good faith complaint to management or Human Resources.

As a matter of Company policy, employees have the right to work in an environment free of discrimination, which includes freedom from sexual harassment or any other form of prohibited harassment. If an employee feels he or she has been discriminated against or harassed in violation of Company policy, the employee is urged to report it immediately to his or her supervisor. If the supervisor is not available, or the employee does not feel comfortable talking to the supervisor, the



employee should report the situation to his or her Department Head. If the employee likewise does not feel comfortable talking to the Department Head, the employee should contact the local Human Resources Representative, the Business Unit HR Director, the Corporate Human Resources Department (200 East Randolph Street, Chicago, Illinois 60601, (312) 381-3200), or the Law Division (200 East Randolph Street, Chicago, Illinois 60601, (312) 381-5126). If calling one of the listed corporate departments, inform the receptionist that you are calling with an employee complaint and you will be connected to an appropriate staff person.

#### *Investigations and Safeguards*

The Company will make every effort to resolve all complaints. Upon receiving a complaint of discrimination or harassment, appropriate Company personnel will promptly conduct an investigation, protecting the confidential nature of the complaint and all parties involved in the investigation to the extent possible. Appropriate action to resolve the complaint will be taken.

Harassment, intimidation, threats, coercion, discrimination or retaliation in any other form is strictly prohibited against anyone for: (i) making a good faith internal complaint of conduct violating this policy; (ii) filing a complaint allowed by any equal employment opportunity law or regulation ("EEO laws"); (iii) participating in an investigation or any other activity undertaken by the Company or any governmental agency related to compliance with this policy or any EEO law; (iv) opposing in good faith any act or practice that violates any EEO law; or (v) exercising any right under any EEO law. Likewise, retaliation against anyone for exercising their rights under this policy will not be tolerated.

# **ATTACHMENT 2 TO EXHIBIT 2**

11/29/2004

**AON**  
**Position Description**
**Company** AON Risk Services

**Business Unit** Client Service

**Department** Placement Service Unit

**Job Title** Director

004994	Dir-PSU
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**FLSA Status** Exempt

**Position Summary** Initiates and manages all client service activities related to the policy placement and renewal process. Reports to the center Managing Director.

**Duties and Responsibilities**

Plans, develops, and oversees customer service policies and procedures.

Develops strong relationships with Syndicators to effect policy submission and placement process.

Oversees the data management functions for the center.

Directs studies of operational practices to determine effectiveness.

Ensures effective customer service operating systems, including policies, procedures, structure, and the flow of information.

Ensures teams in the unit are properly supported and trained.

Confers with Assistant Directors regularly to both ensure management's messages are delivered to them and their suggestions are delivered to management.

Resolves technical questions and issues as appropriate.

Serves as advocate and liaison of the functional unit to the other units within ARS.

Oversees the maintenance of budget established by the center Managing Director.

Manages department staff. Makes employment decisions, evaluates and rewards staff performance, recommends training and development opportunities, and conducts disciplinary activities as necessary.

11/29/2004

Accountable to Aon for the unit to ensure both quality products and timely delivery.

**Professional Education  
And Experience**

Advanced degree preferred. Also requires the following:

- Extensive knowledge of and experience in the insurance industry; must attain and maintain appropriate brokers license(s).
- Strong knowledge of and experience in ACS operations.
- Extensive management and leadership abilities.
- Ability to align the strategic communications focus with employee behavior.
- Ability to conceptualize ideas and develop plan of execution.
- Strong interpersonal skills, with the ability to interact effectively at various employee levels.
- Demonstrated excellent verbal, interpersonal, and written communication skills.
- Proven effective supervisory and leadership skills in being flexible, creative, team-oriented and process-driven.
- Ability to identify and analyze organizational needs with solid problem-solving abilities.
- Exemplifies the behaviors defined in the Aon Competency Model.

# **ATTACHMENT 3 TO EXHIBIT 2**

11/29/2004

**AON**  
**Position Description**

**Company** AON Risk Services

**Business Unit** Client Service

**Department** Client Service Unit

**Job Title** Assistant Director – Client Service Unit

004991	Asst Dir-CSU
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**FLSA Status** Exempt

**Position Summary** Supervises the activities of specialists engaged in client service activities related to the policy placement, oversight and renewal process. Reports to the Director, Client Service Unit.

**Duties and Responsibilities**

Coordinates client service activities within the framework of established customer service policies and procedures; manages the daily operations of the group, including the work in the queue.

Schedules and organizes personnel to accommodate workflow; distributes work assignments to specialists based on specific levels of expertise.

Approves corrective actions to adjust customer complaints.

Develop strong relationships with Relationship Managers whose clients are handled within the team.

Provides oversight of placement activities, directly responsible for adhoc requests and issue resolution within the team.

Routinely confers with the team to ensure they are properly supported and provided with appropriate tools and training.

Develops, recommends, implements, and interprets client service procedures; evaluates the ongoing effectiveness of current operations and systems.

Coordinates activities with other internal units as required to meet customer needs.

Develops, interprets, and ensures the consistent application of CSU policies.

11/29/2004

Addresses unusual or difficult inquiries/situations through direct personal action or refers to the appropriate individuals; researches complex issues and handles their resolution.

Manages team staff. Makes employment decisions, evaluates and rewards staff performance, recommends training and development opportunities, and conducts disciplinary activities as necessary.

Accountable to Director for successful operation of the team.

**Professional Education  
And Experience**

BS/BA degree preferred. Also requires the following:

- Extensive knowledge of and experience in the insurance industry; must attain and maintain appropriate brokers license(s).
- Strong knowledge of and experience in ACS operations.
- Strong interpersonal skills, with the ability to interact effectively at various employee levels.
- Demonstrated excellent verbal, interpersonal, and written communication skills.
- Proven effective supervisory and leadership skills in being flexible, creative, team-oriented and process-driven.
- Ability to identify and analyze organizational needs with solid problem-solving abilities.
- Exemplifies the behaviors defined in the Aon Competency Model.

# **ATTACHMENT 4 TO EXHIBIT 2**



CONVERSATION RECORD FOR FILE

Aon Risk Services

DATE	TIME	<input type="checkbox"/> AM
11/04/03	1:00	<input checked="" type="checkbox"/> PM

TALKED WITH

OF

☐ I PLACED CALL ☐ VOICE MAIL  
☐ PARTY CALLED ☐ IN PERSON

PREPARED BY

PHONE NUMBER

832/476-6866

RE:

Termination of Employment

CONVERSATION

Vicki McDonough asked me to sit in on a meeting she was having w/ Mark Hansen to advise him of the decision to terminate his employment. Decision had been made due to evidence that Mark was "misplaced" and was not able to handle responsibilities. Mark is a classless person and not an insurance broker person.

After Vicki delivered the news, I spent time with Mark going over briefly benefits status. I advised we would go over in more detail on his last day as he was going to be working on a project and that 12/5 would be his last day.

He agreed.

REPLY OR ACTION REQUIRED/TAKEN

COVERAGE BOUND

☐ YES ☐ NO

EFFECTIVE DATES

FROM:

TO:

ACTION COMPLETED

☐ YES ☐ NO

SIGNED

DATE

☐ SUSPENSE DATE☐ FILE

CC:

AON 0004  
[HANSEN]